

I. REMARKS

This amendment responds to the Office Action mailed May 4, 2007. In the Office Action the Examiner:

- Rejected claims 1-7, 11-19, 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Carter et al. (US Patent No. 6,826,557), in view of Beeferman et al. (US Patent No. 6,701,309);
- Rejected claims 8, 10, 20, 22 under 35 U.S.C. § 103(a) as being unpatentable over Carter et al. (US Patent No. 6,826,557), in view of Beeferman et al. (US Patent No. 6,701,309), and further in view of Getchius et al. (US Patent No. 6,493,721); and
- Rejected claims 9, 21 under 35 U.S.C. § 103(a) as being unpatentable over Carter et al. (US Patent No. 6,826,557), in view of Beeferman et al. (US Patent No. 6,701,309), and further in view of Schultz (US Patent No. 6,208,988).

Claims 1-6, 9, 11-13, 15-18, 21, 23, and 25-28 have been amended to correct antecedent basis and to further clarify the claimed invention. No new matter has been added.

A. Claim Objections

Claims 4 and 16 have been amended to use the word “cache” instead of the word “case.” Withdrawal of the objections to claims 4 and 16 is respectfully requested.

B. Claim Rejections - 35 U.S.C. 103

(i) Query pair occurrence count is unrelated to query reuse count in Independent Claims 1, 2, 12 and 13

The Examiner cites Figure 1, column 8, lines 26-43, of Beeferman as disclosing the presently claimed limitation of “accessing a reuse count of the search query.” This limitation has been amended to clarify that the reuse count corresponds to a count of a search result in the cache (“the cached search result”) and does not correspond to an arbitrary search query which might not be cached. The amended limitation is now

“accessing a reuse count of the cached search result.”

The cited section of Beeferman discloses accessing counts of occurrences of “query pairs,” where each pair is “likely to occur from a single searcher in a single search session.”

Beeferman at column 8, lines 12-14, 30-33. But the counting the number of times a search query has been used by a searcher in a single search session does not suggest counting the number of times a cached search result has been accessed. Indeed, Beeferman does not disclose the use of a cache at all, so it could not possibly disclose reuse counts of a cached search result.

Accordingly, Beeferman does not disclose, teach, or suggest the limitation of “accessing a reuse count of a cached search result” of Independent Claims 1, 2, 12 and 13.

(ii) Superset creation generates an unimproved search result and therefore does not disclose generating the required improved search result in Independent Claims 1 and 12

The Examiner cites the “CREATE SUPERSET” box 81 of figure 5 and column 9, line 64, to column 10, line 7, of Carter as disclosing the presently claimed limitation of “generating an improved search result in accordance with a second set of predetermined searching criteria.” The cited sections of Carter disclose creating a superset query for the purpose of reusing subsets already cached to generate an unimproved search result for the new search query. The result generated by Carter is unimproved because it is the first and only search result produced for the search query being processed. Also, since subsets reused by Carter are already cached, they are generated in accordance with a first set of predetermined searching criteria, not a second set of predetermined searching criteria (Note: in claims 1 and 12, the “second set of predetermined searching criteria” are used for generating an improved search result). Using subsets generated by a first set of predetermined searching criteria to generate an unimproved search result is not consistent with the plain and ordinary meaning of the terms “second” or “improved.” *See* MPEP 2111.01.I (“[W]ords of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification.”). Accordingly, Carter does not disclose, teach, or suggest the limitation “generating an improved search result in accordance with a second set of predetermined searching criteria” as the independent claims 1 and 12 of the present application require.

(iii) “Quality” does not reasonably mean mere presence or absence in the cache in Independent Claims 2 and 13

The Examiner cites column 9, lines 59-63, of Carter for disclosing the presently claimed limitation of determining “when ... a quality indication does not meet predefined criteria.” This section of Carter discloses determining “if a duplicative query is detected within the cache or data store” - which bears no relationship to the claimed “quality.” The presently claimed “quality” is described in the Present Application in paragraph 0022:

The quality indicator 118 may include one or more values, and may specify one or more attributes of the cached search result. For instance, in some embodiments the quality indicator 118 specifies whether the cached search result is an improved search result or a standard search result. In some embodiments, the quality indicator 118 includes a value that specifies whether the cached search result lists more than a predefined number of documents. In yet other embodiments, the quality indicator 118 includes a metric generated by applying a quality indication function to the cached search result. (emphasis added)

These example embodiments make clear that the term “quality” applies to the cached search result, so the cited disclosure of “presence in the cache” in Carter is inconsistent with the plain and ordinary meaning of the term “quality” in light of the specification. *See* MPEP 2111.01.I (“[W]ords of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification.”). Accordingly Carter does not disclose, teach, or suggest this limitation of Independent Claims 2 and 13.

(iv) Carter and Beeferman cannot be combined because Beeferman does not teach the use of a cache and therefore a cache designer would have no motivation to use it

The present application includes a system and method that centrally incorporate a cache for storing search results. However, Beeferman does not even use the term “cache,” and instead teaches a method for collecting related queries. An ordinary inventor would not be motivated to look at art which is for collecting related queries, and does not use a cache, when designing a cache for storing search results. Accordingly, because there is no motivation to combine the references, Carter and Beeferman cannot be combined to support a rejection of the pending claims under 35 U.S.C. 103(a).

(v) Neither Getchius nor Schultz provide the elements of the independent claims that are not taught by Carter and Beeferman

Neither Getchius nor Schultz teach "accessing a reuse count of [a] cached search result." In addition, neither Getchius nor Schultz teach "generating an improved search result in accordance with a second set of predetermined searching criteria." As a result, none of the four references that form the basis for the rejections of the pending claims under 35 U.S.C. 103(a) teach either of these features of the pending claims. For at least this reason, the rejections of the pending claims under 35 U.S.C. 103(a) should be withdrawn.

II. CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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